

MINUTES OF THE COMMITTEE MEETING
OF THE EAST PETERSBURG BOROUGH COUNCIL

DATE AND TIME:	August 24, 2023	6:00 p.m.
LOCATION:	Community Center	6051 Pine Street
ATTENDANCE:	Council Members:	Debra Miller, President John Schick, Vice-President (Absent) Adam Gochnauer, Pro Tem John Herr Lauren Houck Randy Rannels Sandra Valdez
	Mayor:	James Malone
	Borough Manager:	Karen St. Clair
	Supervisor:	Jeff Moseman
	Borough Solicitor:	Amy Leonard

Meeting was called to order: 6:00 p.m.

Moment of Silence / Pledge to Flag

Visitors: Anette Rogers, Tammy Moseman, James Swarr, Nate Horning, Ian Meiskey, Samuel Maurer V, Josh Roberts, Cory Lyons, Bob Schwartz, Derech Duffy
James Swarr and Josh Roberts were both recording the meeting.

I. PUBLIC COMMENTS:

1. Anette Rogers asked Adam Gochnauer if this is an election year for him. He said yes. She asked if the picture from the ad with him and the borough manager were going to be used for his campaign. She said this is probably tax deductible, but political isn't. Mr. Gochnauer said there is no tax deduction and nothing about campaigning in it and no one knows he is on council by watching the ad. He has been doing ads for 40 years and he has used many of his friends and she is a friend. He said there is a marketing strategy used for these ads that don't have anything to do with council's function. He said the next ad will have someone prominent in the community in it with him because this person is a good friend of his too, plus Karen is the head of East Petersburg and he thought it was a nice mix. Ms. Rogers asked Mr. Gochnauer if he is going to ask the mayor. He said he hasn't yet. Ms. Rogers asked if the funding was received for ADA pathway and pickleball court. Manager St. Clair said we haven't heard anything yet on this. We are still waiting.
2. James Swarr asked if there was any information to share on Carpenter and Ridge intersection. Manager St. Clair said this is on the agenda to discuss tonight.

President Miller said there is a lot to get to tonight, and asked for all other comments to be made after the interviews are held.

II. AGENDA ITEMS FOR DISCUSSION ONLY:

1. **Kevin: Review Street projects and equipment needs for 2024 Budget.**

Main Park Turf Management – weed control application: Would like to treat open area at the community park for weeds, possibly begin this year if the funds are available. Hummers cost for 2024 is \$795.00 in spring and \$710.00 in fall. Our cost for 2 ½ gallon jug is \$500.00 and could be sprayed in half applications over a longer period of time for better results and safer for environment.

Shop Furnace – The heater we have is from 2008 and has leaked gas at times. The heater is currently mounted on the wall, and this is a risk because the vehicles can easily bump into it. This is the same heater that caused an explosion at Rapho Township. Proposing to replace with safer, efficient heater in the amount of \$9,995.00. We have a service contract with Swanger Bros. and the price they quoted is in line with others.

Shop Garage Door Openers – Current openers are not reliable, and do not open properly. New openers are \$3,670.00.

1 New Kubota mower with bagger - to replace 2008 bagger mower and 1997 John deer mower. These will be sold on municibid. Cost is \$15,823.72 for gas mower w/bagger. Price is honored when contract is signed. Kevin Martin will check on availability.

New Truck for Streets Department – Propose purchasing F-250 with plow & saltbox \$78,995.00 at Wittmoyers. Possible \$4,000 more if they go with lift gate. This is in stock now. This will replace the oldest vehicle we have, 2001 F-350, and can be sold on municibid.

Kevin Martin pointed out that the truck he uses now has a crane, so it needs to be left here on the weekends just in case it is needed. The new truck is a common truck, and he would be able to drive it home on weekends.

2024 Road Maintenance – Current Road assessment indicate minimal road maintenance in 2024. – Proposing crack seal and little to no fog seal requirements. Ultra-thin for 2024 postponed and recommend Lemon Street ultra-thin should wait till 2025 to allow for settling of new paving along curbs. Est. cost \$125,000.00.

Alternate use of liquid fuel funds – Proposing to replace aging 2008 mini dump truck. We have spent \$5,000.00 in last 4 years on repairs. Proposing purchase of 2023/2024 F-550 Mini Dump truck with plow and salt spreader that will hold a larger amount of salt. It is a heavier duty truck (PTO) that has a built in tarp and runs on hydraulics and has a shoot which will eliminate having to shovel material from the truck. It can also be used to dig curb stops by water department. Whitmer's has one in stock that is orange due to order was cancelled. It was pointed out that orange would show up better in the snow. The cost is \$125,800.00 and is \$9,000.00 cheaper if we purchase the 2023 truck that is in stock. If we wait for the 2024 it will be \$134,800.00. This truck could be purchased with the liquid fuels money we receive.

2. Jeff: Review Special projects for 2024 Budget.

Proposed 2 stormwater projects for MS4:

Hollow Drive triple pipe drainage repair -3 stormwater pipes passing beneath Hollow Drive. Approximately 1/3 of the Boroughs stormwater passes through these pipes to the Little Conestoga Creek. Inspections have shown deterioration of the three 40" corrugated pipes. Excavating the pipes would be time consuming and costly. Staff has investigated less invasive methods to repair pipes (spray-on liner), but the cost was greater than \$380,000.00. Recent PSATS PennDOT symposium revealed another option called SnapTite. The cost opinion received is \$253,716.20. It was pointed out that you can see through this pipe and the condition of the pipe is apparent. Mr. Moseman will look into the life expectancy of the product. Mortar gets sprayed on the liner after the liner is installed, and it becomes structural at that point.

Outfall on Martin Drive – Water from S. Clyde Weaver and the car lot runs into the storm drain on Martin Drive. It is a tremendous amount of water. The outfall area is full of weeds that are hard to maintain, and it has become an eyesore. The road is eroding away from the large amount of water that flows through there. Recently we came in under budget for a project and could have used the funds for a project we had planned for but did not have this one in the works, so it did not happen. Mr. Moseman would like to have ARRO Engineering design a bioswale which will cost approx. \$15,000.00 to provide a shovel ready plan to implement when grant funding is available.

Both of these projects will be submitted along with 2 water projects to Lancaster County for ARPA funding, round 2, submitting this by August 31, 2023. Manager St. Clair said if we do not get the funding, she will put this into the budget over the next couple of years.

3. Interviews for Open Council Seat through December 31, 2023.

Council interviewed the following three (3) candidates that were interested in serving as Councilmembers: Josh Roberts, David Tirado, and William Sharp were each allotted 10 minutes. It was pointed out that all three candidates answered the questions well and gave good ideas.

Debra Miller explained that this came about because Lauren Houck moved, and she had to submit a termination of residency which triggered the board of elections to contact the county party about the opening and the county party searched for a substitute and found that Will Sharp was willing to serve. He has gone through the hoops of bureaucracy to appear on the November Ballot before the deadline of today. She commended Josh Roberts and Bill Tirado for coming forward to serve on the short term. Council then took a vote on paper. Debra Miller announced it will be Will Sharp. After the resolution is passed the next step is for Will Sharp to meet with the mayor 5-10 minutes prior to the next meeting to be sworn in.

4. Review Draft Agreement for Hockey League – Revision No. 2 and other Action List updates

Representatives from the Hockey League were present, and the new draft agreement was reviewed.

The term of the agreement was added in to say automatic renewal.

Added in - they must acquire permits for all necessary work that requires permitting. The work that they are doing now does not require a permit.

Added in - no tents in the confines of the property and no chairs on private property adjacent to the parking area.

Must provide us with contact information in case of emergencies. These have been provided.

Statistics of residents will be provided after signups.

Added procedures for addressing any complaints.

The hockey league provided Manager St. Clair with an action list on August 11.

The league asked for parking spaces to be marked. Manager St. Clair said she does not think the parking spaces should be marked. It will be too hard to police who is parking where.

Code of Ethics has been provided. A clean-up list for after games was also provided.

Signs have been posted saying no alcohol, no drugs, no foul language, and no pucks on rink.

They have provided the fall schedules:

adult league runs August 27- November 12; youth league runs September 9 – October 28

Council thanked the Hockey League for addressing all the concerns in a timely manner.

This will be on the September 5th Council meeting agenda for approval.

5. Punch List for Lemon Street ADA ramps and driveway apron project

The inspection was held last week for work by Affordable paving. Two areas were noted: Lemon St and Lime St newly installed driveway apron ramp up against existing sidewalk was not flush and created a tripping hazard, so this needs replaced to ensure ADA compliance. Lemon St and Tank Rd. has the same situation. Other items were misc. and were mostly a seeding issue. Debra Miller asked if we would put a future project out to bid and they were the lowest bidder would we have to go with them even though we had a bad experience with them. Amy Leonard said the borough's ability to reject a low bid from them in the future is different now because of having had that experience. When you get a low bid from someone you never used before, you take steps to determine whether they are a responsible bidder, such as checking references and looking at projects they have done in other municipalities. Now that we have had experience with the company, we should be allowed to look at our own experience, to determine if they are a responsible bidder or not.

6. Review 6060 Main revised easement agreement

When we first looked at putting the easement in place for this property, we were not talking about selling all three properties and moving the offices. In the past easement it was going to provide for the parking area for borough use and access to borough owned and maintained stormwater facility on this property. It might look like a grassy area but on the subsurface there is a stormwater facility to help manage stormwater in that area. The original easement was going to be that the rear 5700 sq. ft. of the property would have been for borough use. Now that we are going to sell the properties, the parking is not needed, and this home could end up being used by whoever purchases this property as a residential property. The new proposed easement will be 2350 sq. ft. for stormwater access purposes. It just encompasses the stormwater facility and 5 ft around the SW facility plus an access point onto Garden St. Part of the easement area does go into the parking area. This means the borough will still have its stormwater facility and will maintain the subsurface facility. The future owner would just have grass mowing responsibilities. What we don't want is any structure to be put on this area nor can it be driven on. It is ok for kids to play. It was suggested that a delineation fence be put up to mark where the parking stops so that no one will drive on top of the area the storm water facility exists because this could cause damage to it. It was also suggested to mark where the easement is and put up signage that there is an active stormwater facility in the area. They cannot drive on it, put a structure on it and they will be responsible for mowing. They can use the area to play. All of this will be in the new easement agreement. Currently the auctioneer's information does say the stone parking area is available. The conditions of sale are discussed prior to the sale, and it will be recorded and will be public information. The goal is not for the easement to be a secret.

7. Review Minimum Municipal Obligation (MMO) for 2024

There is a minimum 8% obligation. The total projected amount is \$50,167.00.

8. Update on office & review the 2 unforeseen change orders

The total original improvements were \$338,800.00 and since then there were 2 change orders. A couple more changes are anticipated for electrical and wiring. Currently, the 1st change order is for \$2,200.00 and is because the electrical conduit running under the slab was eroded and deteriorated. Five circuits were removed, and five new circuits will be installed overhead. The 2nd change order is for \$3,130.00 for floor drains to be installed in the bathroom because they were not usable. So far, as of July 31st, there is an invoice for \$171,540.64 for design, inspections, renovation design, storage container, dumpster, and renovations to date. They are 3 weeks ahead of schedule which means it would be 1st week in October. Sandra Valdez asked if the unforeseen amounts were budgeted for, Manager St. Clair said the funds are coming from ARPA funds.

9. Update on Emergency Management Coordinator (EMC)

At the last meeting, some questions came up about why she is not attending meetings and where are the reports. Manager St. Clair reached out to the Manager of East Hempfield and explained the concerns and advised her since the beginning of the year, Ms. Garber has only attended one meeting and only two reports have been received. Manager St. Clair received a response back with an apology and it was stated that they will make every effort going forward to make sure Council receives the reports or Ms. Garber will attend the meeting. They said some of the issues were she had medical leave at the beginning of the year and part of it was she forgot to do the reports because she is now the assistant manager of East Hempfield and does not do a report for them, so she is not used to doing a report anymore. Manager St. Clair said it is in the agreement that she is to report to council what she is doing. She did tell Cindy that this will be looked at by Council when doing the 2024 budget. Adam Gochnauer said it might be a good idea to tell Cindy that if this isn't addressed, we might hold up the next quarterly payment.

Manager St. Clair said she is hoping moving forward there is no more issues, and she hopes to see her at the next meeting or receive a report. Randy Rannels said when an event is coming up Diane Garber is supposed to work on emergency planning, and she has been doing this.

10. Review Muncibid sale items

The items that will be for sale are: (2) water softeners and the 2015 xmark zero turn mower. We have to advertise 10 days prior to putting these items up for auction. The water softeners were decommissioned because there is no longer a need for them.

11. Review Account Payables 08/24/2023

12. Misc. items from Council

Manager St. Clair

Tractor trailer enforcement on 72 - She pointed out that she was not at the last meeting, but John Schick did reach out to her because it was discussed at that meeting. Manager St. Clair said she did reach out to NLCRPD about this and what they can do is called commercial vehicle checks. Officer Smith said that regional does not have a certified inspection officer, but if they would do a routine traffic stop for a conduct violation, the officer could summon for a certified officer from a neighboring agency to conduct the inspection or NLCRPD could reach out to PA State police and request one of their certified officers do the inspection. She pointed out that one of the challenges for the officers is that there is no place to hide their vehicles while checking for speeding, tailgating, and running lights. They are going to focus on motor carrier enforcement which will include: checking weights, logbooks, and brakes. This will take two guys and overtime. They do have PennDOT funding for this kind of traffic detail, therefore it will not be a cost to the borough. They will be doing a detail on Main St., and they will have two marked units, one unmarked unit and three officers looking for tractor trailer aggressive driving, and Jake breaks. This will be a five hour detail. If they find motor violations, they will get assistance from an outside agency. Manager St. Clair said they are ready to go on this and just need councils' approval. Council agreed to proceed with this.

Safety at the intersection of Ridge and Carpenter – This was also brought up at the last meeting and this was looked into. She reached out to Chief Kilgore and said that if people are legally parked there is nothing they can do, but an engineering study could be done, and they will assist him in the study. She asked council if they would like her to reach out to ARRO about this. Council asked what the cost would be and said maybe John Schick could stop out and give his opinion.

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Borough Office moving – Postcards will be sent out giving the new address and date of move. This will be posted online and e-mailed out. It will also be noted on the water/trash invoices. The office will be closed on October 6 for moving and then re-open on Monday, October 9 at 7:30 a.m. The new mailing address for the borough office will be 6076 Pine Street Suite A.

New phone system – We have had complaints that when people call in they get a busy signal. With the new phone system, callers will not receive a busy signal. Callers will be able to choose an extension if we are on with another caller or go into a que. The cost to move the phones was \$1,000.00 and to get new phones it will cost \$1,075.00.

Lancaster County Redevelopment Authority – She has had conversations with two different residents that their sidewalks are done and paid for, and they are ineligible to get grant money from Lancaster County because they are already paid for. Manager St. Clair said that this was not the information given when they were at the meeting and this question was asked to them. The MOU was not put into place until July 28th and we were told to have residents submit because it was retroactive. Anyone that is making payments can still apply, but if it has already been paid, it will be ineligible. Now that we do have this MOU in place residents can also look into the other programs including one for home improvements.

Alcohol at the Community Center – Manager St. Clair said Alcohol was found to be left in the refrigerator at the CC after a rental. This is not allowed, and the cleaning lady will be checking the refrigerator for this after each use and take pictures, so we know who the guilty party is going forward.

Softball field shed – this will be replaced with the same size shed.

Debra Miller – Back to School event at Clipper Stadium was a success. There were more than 2,000 children that attended the backpack giveaway. There were 21 children registered from East Petersburg. The Hempfield superintendent attended to get a sense of the large size of the event, and he is hoping the school district will promote this next year.

Adam Gochnauer – Moving forward do we want to allow soliciting permits for those who are not exempt, or should we change this to not allow it or continue with what we are doing? He pointed out that we have received a lot of complaints about this. Randy Rannels said he saw on the community page that someone was soliciting without a permit, and he called the police department to report this. He thinks the only reason this is not being enforced is because when the officers come around they are already gone, and the police can't find them. He would be willing to consider no door to door soliciting in the borough except for religion and politics. John Herr said he would not want to violate the freedom of speech. Amy Leonard said religious, political and some agricultural sale items cannot be eliminated. She will look into this and let them know what is in the statute. Council will take a look at the ordinance and discuss this at an upcoming meeting.

Amy Leonard said she will not be at the September 5th meeting to cover some formalities that need to be taken care of for the 6040/6050/6060 Main Street properties. A resolution will need passed to sell the properties at an auction and we will need to prepare a notice for advertisement. These items will be on the September 5th agenda.

Public Comments Continued:

Samual Maurer V said that some of the contractors (mostly on the south side of the street) did not replace the pavement and now the stones are scattered on the roadways. He said this could be an issue for bicyclists and motorcyclists. He asked if this is something the homeowner still has to do? Mr. Moseman said that is the homeowner's responsibility and at the end of the time allowed, the borough will go out and do a final inspection of the unfinished work that remains. All unfinished work will eventually be put out to bid and the owner will be responsible.

Mr. Maurer asked when someone buys the property who would be responsible for putting in the chain barrier and who would maintain it. He was told the borough would put the chain in and maintain it. If they damage it they could be responsible.

James Swarr said he objects to the paper vote they took after the interviews. He said it should have been done publicly. Amy Leonard, Solicitor said that there will be a vote for the resolution to appoint the new councilmember and it will be done publicly and it will be in line with the ballot. Debra Miller pointed out that interviews do not have to be done. Amy Leonard said that this is correct, and the paper vote they took after interviews is perfectly fine

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and that person's name will now be put on the resolution for a vote. The resolution will be voted on publicly and the vote must be in line with the ballot vote.

13. Fire Company Financials – for review only

II. ACTION ITEMS:

1. *It was moved and seconded (J. Herr / S. Valdez) to approve Resolution 872, appointing William Sharp to fill the vacancy in the office of Member of Council pursuant to section 901 of the Borough Code, 8 Pa. C.S.A. 901, motion passed with a 3 to 2 vote.*
Amy Leonard asked if they would like to do a roll call vote. Council agreed it was clear enough. James Swarr said he feels council did not take the best qualified candidate by the interviews. Debra Miller said that we have someone to fill the seats for 4 months or we go with a candidate that will be on the ballot. Josh Roberts said there are other methods of running for election such as a write-in candidate. Debra Miller said that they could call the Board of Elections if they have questions about the process.
2. *It was moved and seconded (A. Gochnauer / J. Herr) with unanimous approval by the board, to approve the 6060 Main Street Easement Agreement*
3. *It was moved and seconded (A. Gochnauer / R. Rannels) with unanimous approval by the board, to approve the July 28, 2023, Borough Committee meeting minutes.*
4. *It was moved and seconded (S. Valdez / A. Gochnauer) with unanimous approval by the board, to approve Resolution 871, to sell municipal property by internet auction. Items to be sold: (1) 2015 72" Exmark zero turn mower and (2) water softeners*
5. *It was moved and seconded (A. Gochnauer / S. Valdez) with unanimous approval by the board, to approve Resolution 873, Authorizing ARRO Consulting, Inc. to submit the following applications to Lancaster County Government administration offices for the Lancaster County American Rescue Plan Act – 2nd round Community Request, and giving Manger St. Clair authority to execute all documents :*
 - 1) *707 Koser Road spring pump replacement project - \$245,300.00*
 - 2) *City Interconnect pump replacement project - \$ 241.390.00*
 - 3) *Hollow Drive triple barrel stormwater pipe lining project - \$253,716.00*

III. Extra Items: Issues arising in the last 24 hours: None.

IV. Committee Meeting Adjournment: 8:41 p.m

VI. Executive Session for legal matters: None.

Next Meeting: Tuesday, September 5, 2023, Council Meeting & Thursday, September 28, 2023, Committee Meeting

Respectfully Submitted,
Kim Strayer, Recording Secretary